



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD)No.764 of 2017

and

C.M.P. (MD) .No.3494 of 2017

WEB COPY

- 1.P.Periyasamy
- 2.N.K.Madasamy
- 3.Mathi @ Soundarapandian
- 4.S.Sivakumar
- 5.R.V.Ganesan
- 6.T.Ganesan
- 7.S.Periyasamy
8. M.Solaikani
- 9.R.Murugan
10. Babu @ Periyasamy
- 11.R.V.Karna Maharajan
- 12.P.Senthil Kumar
- 13.P.Sureshkani
- 14.P.Ramesh
- 15.N.Ramkumar

.. Revision Petitioners/Petitioners/
Defendants
vs.

Avaniyapuram Nadar Uravinmurai
(Reg. No.276/1987 through its

1.President V.Palanisamy

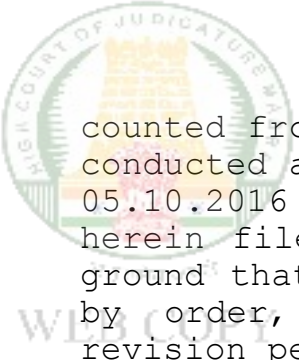
2.Secretary M.Maheswaran .. Respondents/Respondents/
Plaintiffs

PRAYER : Civil Revision Petition filed under 227 of the Constitution of India, against the fair and decretal order passed in I.A.No. 24 of 2017 in O.S.No.206 of 2016 dated 03.02.2017 on the file of the District Munsif Court, Madurai Taluk.

For Petitioners : Mr.H.Arumugam

ORDER

The revision petitioners are the defendants in O.S.No.206 of 2016 on the file of the District Munsif Court, Madurai. The case of the plaintiffs is that eventhough the election that was held on 06.10.2013 was valid for a period of three years, since there was delay in assumption of office, the three year period should be



counted from 15.07.2014. But, it appears that the fresh election was conducted as if the tenure of the earlier office bearers got over on 05.10.2016 itself. The defendants, who are the revision petitioners herein filed I.A.No.24 of 2017 for striking off the plaint on the ground that there is no cause of action. The said IA was dismissed by order, dated 03.02.2017. Questioning the same, this civil revision petition is filed.

2. This Court is of the view that the order impugned in the civil revision petition cannot be faulted. On a plain reading of the plaint, there did arise a cause of action. But, as pointed out by the learned counsel for the revision petitioner, nothing probably survives in the suit any more. Therefore, giving liberty to the revision petitioners to file a fresh IA calling upon the Court below to terminate the suit proceedings on the ground that everything has become infructuous, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The District Munsif,
Madurai District.

+1cc to Mr.H.Arumugam, Advocate in sr.no.77875.

Pjl

DS SKN SAR-2 04.10.2018 2P/3C

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